

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DANE PATRIC GEE,

Case No. 2:17-cv-02148-JAD-VCF

16

Plaintiff,

ORDER

FAMY, et al.,

Defendants.

I. DISCUSSION

On November 28, 2018, this Court entered an order permitting claims to proceed against Defendant Famy. (ECF No. 7 at 2). The Court stayed the case for 90 days to give Plaintiff and Defendant Famy an opportunity to settle their dispute before the filing fee was paid, an answer was filed, or the discovery process began. (*Id.*) The Court directed the Attorney General's Office to notify the Court whether it would enter a limited notice of appearance on behalf of Defendant Famy for the purpose of settlement. (*Id.* at 3).

On December 19, 2018, the Attorney General's Office informed the Court that it could not enter a limited appearance for the purpose of settlement because there was no defendant currently employed by the Nevada Department of Corrections. (ECF No. 8 at 1).

In light of the Attorney General Office's notice, the Court now orders the Attorney General's Office to send a letter to Defendant Famy at her last known address informing

1 her that she is a defendant in this lawsuit. In that letter, the Attorney General's Office
2 shall ask Defendant Famy if she would like the Office to represent her in this matter.
3 Within 30 days from the date of this order, the Attorney General's Office shall file an
4 updated notice with the Court informing the Court whether it will be entering a limited
5 notice of appearance on behalf of Defendant Famy for the purpose of settlement.

6 If the Attorney General's Office enters a limited notice of appearance on behalf of
7 Defendant Famy for the purpose of settlement, the Court shall schedule an early inmate
8 mediation conference. However, if the Attorney General's Office notifies the Court that it
9 will not be entering a limited notice of appearance in light of its communication with
10 Defendant Famy, the Court will issue an order that: (1) removes this case from the early
11 inmate mediation program, (2) rules on the application to proceed in forma pauperis, and
12 (3) begins the service process with the U.S. Marshal's Office.

13 **II. CONCLUSION**

14 For the foregoing reasons, IT IS ORDERED that the Attorney General's Office shall
15 send a letter to Defendant Famy at her last known address informing her of this lawsuit
16 and asking whether she seeks to have the Office represent her for the limited purpose of
17 settlement.

18 IT IS FURTHER ORDERED that, within 30 days from the date of this order, the
19 Attorney General's Office shall file an updated notice with the Court informing the Court
20 about Defendant Famy's representation status.

21 IT IS FURTHER ORDERED that, within 30 days from the date of this order, the
22 Attorney General's Office shall advise the Court whether it will enter a limited notice of
23 appearance on behalf of Defendant Famy for the purpose of settlement. No defenses or
24 objections, including lack of service, shall be waived as a result of the filing of the limited
25 notice of appearance.

1 IT IS FURTHER ORDERED that, if this case remains in the early inmate mediation
2 program, the Court extends the 90-day stay and the deadline for the 90-day stay status
3 report until 5 days after any scheduled mediation.
4

5 DATED THIS 2nd day of January, 2019.

6 
7 UNITED STATES MAGISTRATE JUDGE